

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

DEFENDANT #1 David RUBIO
DEFENDANT #2 Marisela TREJO*Defendant(s)*

Case No.

2019 SEP 23 AM 11:14

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY SE

3:19-mj-8575-MAT


CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/19/2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*8 U.S.C. 1324 (a)(1)(A)(v)(I), (A)(ii)
and (a)(1)(B)(1)*Offense Description*

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with others known and unknown, to commit offenses against the United States, namely: knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of said violation of law.

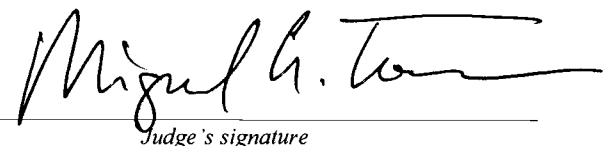
This criminal complaint is based on these facts:

Charge #1: DEFENDANT #1 David RUBIO
DEFENDANT #2 Marisela TREJO☒ Continued on the attached sheet.*Complainant's signature*

Jorge Rangel, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/23/2019City and state: El Paso, Texas*Judge's signature*

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

DEFENDANT #1 David RUBIO

DEFENDANT #2 Marisela TREJO

PEPT# 1909788

09/19/2019

FACTS (CONTINUED)

On September 19, 2019 at approximately 12:19 a.m., a Border Patrol Agent observed an individual running across the Cesar Chavez Border Highway .56 miles east of the Bridge of the Americas Port of Entry in El Paso, Texas which is in the Western District of Texas. As Agents were responding north of the area, they noticed additional individuals running in the neighborhood north of that area, and an additional four individuals run across the Cesar Chavez Border Highway into the neighborhood.

Agents responded to the neighborhood in order to assist the other Agents. As they arrived an Agent observed a black in color Chevrolet Cobalt driving south on S. Boone St, and come to a stop at the dead end which faces the Cesar Chavez Border Highway. The Agent then witnessed 2 individuals run out of the east side of S. Boone St toward the vehicle and board the vehicle from the passenger side of the vehicle. The vehicle then drove north on S. Boone St., and the Agents proceeded to follow the vehicle until it pulled in to the Family Dollar store located at 5018 Alameda Ave in El Paso, Texas. Agents exited their government vehicles and approached the Black Chevrolet Cobalt as it was parked in the Family Dollar. An Agent approached the driver's side of the vehicle and observed four individuals in the vehicle. The Agent identified himself as a United States Border Patrol Agent to the driver, later identified as Defendant 1 Rubio, David, and the rest of the passengers. The Agent proceeded to question the individuals to their immigration status. Defendant 1 stated that he was a United States citizen. The front passenger, later identified as Defendant 2 Trejo, Marisela, stated that she was a United States Citizen. The backseat passengers admitted to not being United States Citizens, and not having immigration documents to be in the United States. The Agent placed all of the individuals under arrest.

Defendant 1 was read his Miranda Rights to which he understood and invoked to have legal counsel present during questioning.

Defendant 2 was read her Miranda Rights to which she understood and waived her right to an attorney and provided a sworn statement as to her involvement in the smuggling scheme:

Defendant 2 admitted that her and her boyfriend (Defendant 1) received a call from a person only known to her as "Luis" to go pick up illegal aliens who had just crossed illegally. Defendant 2 stated that "Luis" sent her a pick up location in a map through WhatsApp. Defendant 2 said she told "Luis" what car they would be in in order for him to tell the illegals what car would pick them up. Defendant 2 stated that once in the location that was sent to them two people ran to the car to which she admitted the let in the car. Defendant 2 stated that once they were driving away, she received another call from "Luis" telling them to turn back around as there were more illegals waiting to be picked up in the same location. She also stated that they would receive between \$150 dollars to \$250 dollars. Defendant 2 stated that her boyfriend (Defendant 1) knew they were also going to pick up illegal aliens because she would translate what "Luis" would tell her to him.

Out of the 2 illegal aliens, 1 was retained as a material witness:

CONTINUATION OF CRIMINAL COMPLAINT

WESTERN DISTRICT OF TEXAS

DEFENDANT #1 David RUBIO

DEFENDANT #2 Marisela TREJO

PEPT# 1909788

09/19/2019

FACTS (CONTINUED)

Material Witness provided the following statement:

Material Witness 1 states that he contacted a smuggler who was going to charge him \$800 dollars to have him smuggled in. Material Witness 1 stated that once they jumped the fence they ran into the neighborhood and hid. Once they were hiding, the smuggler called him and asked him for his location to be sent to him through WhatsApp. Material Witness 1 states that after he sent their location they were told that a black car was going to arrive close to them and for them to board that vehicle. Material Witness explained that after a short while a black vehicle arrived near their location and opened the passenger door for them to enter the vehicle.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Immigration History:

DEFENDANT # 1 is a United States citizen

DEFENDANT # 2 is a United States citizen.

Criminal History:

DEFENDANT # 1:

05/26/2011, El Paso, TX, Possession Dangerous Drug, Misd, 10 Days Jail.

06/26/2019, El Paso, TX, Driving While Intoxicated, Misd, 30 Days Jail.

DEFENDANT # 2:

07/29/2019, El Paso, TX, Driving While Intoxicated, Misd, 365 Days Jail, 18 Months Probation, \$750 Fine.